

**16971. Misbranding of mule feed. U. S. v. 30 Sacks of Hard Charley Mule Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23695. I. S. No. 05672. S. No. 1954.)**

On May 11, 1929, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 sacks of mule feed, remaining in the original unbroken packages at Jacksonville, N. C., alleging that the article had been shipped by the Carolina Milling Co. (Inc.), from Dillon, S. C., on or about April 10, 1929, and transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "# 14 \* \* \* Hard Charley Mule Feed, Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Protein 10 per cent \* \* \* Fat 2½ per cent."

It was alleged in substance in the libel that the article was deficient in protein and fat, and was misbranded in that the statement on the sack label, "Protein 10 per cent, Fat 2½ per cent," was false and misleading and deceived and misled purchasers.

On October 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16972. Misbranding of imitation allspice extract. U. S. v. 40 Cartons of Imitation Allspice Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23866. S. No. 1485.)**

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 cartons of imitation allspice extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Mott-Haven Drug Co., New York, N. Y., on or about August 28, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that it was labeled and branded, "Allspice Flavoring Extract," so as to deceive and mislead the purchaser to believe that it was an extract having the flavor of allspice and suitable for use in imparting the flavor of allspice to articles of food, whereas it was entirely deficient in the flavoring element necessary to impart the allspice flavor, and was entirely without value as a flavoring extract.

On May 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16973. Misbranding of fluid extract of ginger. U. S. v. 1 Metal Drum, et al., of Fluid Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23867. S. No. 1486.)**

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 metal drum and 4 barrels of fluid extract of ginger, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Boston Jobbing Co., from Boston, Mass., on or about September 1, 1926, and transported from the State of Massachusetts into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article had been sold under and by the name of double strength Jamaica ginger in accordance with the formula described in the ninth revision of the United States Pharmacopoeia, and an analysis showed it was adulterated in that it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia for double strength Jamaica ginger, in that it was artificially colored, it did not contain the required proportion of Jamaica ginger, and was substandard.

On May 6, 1929, no claimant having appeared for the property, and the court having found that the allegations of the libel were true, a decree was entered adjudging the product misbranded and ordering that it be condemned and for-

feited, and it was further ordered by the court that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16974. Misbranding of imitation cherry extract. U. S. v. 1 Barrel, et al., of Imitation Cherry Extract. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23865. S. No. 1484.)**

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 barrels of imitation cherry extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the Sherlow Chemical Co., from New York, N. Y., on or about September 6, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was misbranded in that it was labeled, "Imitation Cherry Extract," so as to deceive and mislead the purchaser, that is to say, it was so labeled and branded as to lead the purchaser to believe that it was an extract having the flavor of cherry, and suitable for use in imparting the flavor of cherry to articles of food, whereas it was entirely deficient in the flavoring element necessary to impart the cherry flavor, and was entirely without value as a flavoring extract.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16975. Misbranding of imitation apricot extract, imitation peach extract and imitation tutti frutti extract. U. S. v. 1 Barrel of Imitation Apricot Extract, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 23868. S. No. 1487.)**

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district, libels praying seizure and condemnation of 2 barrels of imitation peach extract, 2 barrels of imitation apricot extract, and 1 barrel of tutti frutti extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the articles had been shipped by the Regal Extract Co., from New York, N. Y., on or about September 15, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the articles were misbranded in that they were labeled and branded, "Imitation apricot extract," "Imitation peach extract," and "Imitation tutti frutti extract," respectively, so as to deceive and mislead the purchaser, that is to say, they were so labeled and branded as to lead the purchaser to believe that they were extracts having the flavor of apricot, peach, or tutti frutti, as the case might be, and suitable for use in imparting said flavors to articles of food, whereas they were entirely deficient in the flavoring elements necessary to impart said flavors, and were entirely without value as flavoring extracts.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*